

**UNITED STATES
NATIONAL LABOR RELATIONS BOARD**

MVM Security Services, Inc.	:	
Employer,	:	
	:	
National League of Justice and Security	:	5-RD-143548
Professionals	:	
Intervenor,	:	
	:	
Security, Police and Fire Professionals	:	
Of America	:	
Intervenor,	:	
	:	
United Security and Police Officers	:	
Of America (“USPOA”)	:	
Intervenor/Union.	:	

REQUEST FOR REVIEW OF THE REGIONAL DIRECTOR’S DECISION

USPOA, pursuant to Board Rule 102.67 respectfully requests Board review of the Regional Director’s April 3, 2015 decision.

I. RELEVANT PROCEDURAL BACKGROUND

An election was conducted pursuant to a Decision and Direction of Election dated January 23, 2015. Prior to the decision and during the hearing on representation, the USPOA objected to and contested the intervention of the NLJSP, because its director fraudulently represented himself to the Board and to members of the USPOA as the Executive Director of the USPOA. Exhibit A. The USPOA sought review of the Region’s Decision and Direction of Election. The Board denied the USPOA’s request, however noting that the USPOA would not be precluded from filing objections asserting member confusion as a result of the fraudulent activity. Exhibit B.

The USPOA timely filed objections asserting the fraudulent conduct of NLJSP representative Ron Mikell as a source of voter confusion. See Supplemental Decision and Certification of Representation. No investigation pursuant to USPOA's objections was conducted. *Id.* Instead, the Regional Counsel ignored the fraudulent activity, finding, without having conducted an investigation, no evidence of voter confusion. *Id.*¹

II. THE EVIDENCE SUPPORTS A FINDING OF VOTER CONFUSION

The Board's review of the Supplemental Decision and Certification is warranted because the Regional Director's decision pertaining to the factual matter of the NLJSP's fraudulent conduct and voter confusion is erroneous and such error prejudicially affects the rights of the USPOA and its membership. The decision is also subject to review because the decision to allow NLJSP to intervene and participate in the election resulted in prejudicial error.

Weeks before the filing of the instant RD petition (and RC petition later dismissed by SPFPA), the NLJSP representative, Ron Mikell, filed three AC petitions with the Board. Exhibit C.² Ron Mikell, who purported to serve as the USPOA Executive Director, sought to merge the relevant USPOA unit with the NLJSP. Following USPOA's opposition to the petition and demonstration of fraud, Mikell withdrew the petitions. See Exhibit D. Although the NLRB was aware of Mikell's fraudulent conduct and false statements, the Region declined to take action.

¹ Because the Regional Counsel failed to serve its Supplemental Decision and Certification on USPOA's counsel, the undersigned mistakenly believed the Director issued a Report and requested an extension to file exceptions. Although the Regional Counsel never served the report on USPOA's counsel, a copy was provided. USPOA has treated the grant of its request for an extension as an extension of the time in which to seek review.

² The petitions are identical and each will not be placed in the record. The case numbers are as follows: 5-AC-143394; 5-AC-143346; and 5-AC-143349.

The failure to take action led to voter confusion during the election. As demonstrated in the documents provided as evidence in support of USPOA's objections, Mikell and others held meetings with the USPOA membership, purporting to be the Executive Director and Board of the USPOA. Mikell and others likely confused members into believing that the USPOA was now the NLJSP or that a vote for the NLJSP would be the same as the USPOA. This can only explain why a Union, which previously enjoyed majority support could receive only 3 of 108 votes in its favor. See Supplemental Decision and Review.

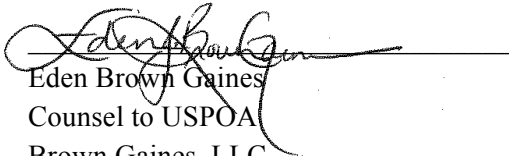
The Regional Director failed to recognize the probative value of evidence provided by the USPOA. The fact that much of the evidence precedes the petition period is a red herring. The evidence is sufficient to generate an investigation. *Phone-Poulenc, Inc.*, 271 NLRB 1008 (1984) (“[t]he filing of objections and submission of supporting evidence triggers an investigation by the Regional Director”). See also *Burns Int'l Sec. Servs., Inc.*, 256 NLRB 959 (1981) (noting the Regional Director's obligation to conduct an investigation of timely filed objections and discretion only as to the scope of the same). The allegations are not so frivolous, particularly in light of the fraudulent AC petitions which were already before the Regional Director, to justify the Regional Director's indifference to the obligation to investigate.

It is the Regional Director in the context of an investigation, and not the USPOA who must speak with voters and investigate Mikell's conduct in order to evaluate its impact on the results of the election. The USPOA may not properly harass and demand information or statements from voters, beyond what has been submitted as such conduct could be considered a violation of the NLRA. The Board should reverse the Regional

Director's decision, require an appropriately scoped investigation and a report following the same. Mikell's obviously fraudulent conduct, which more than likely resulted in voter confusion, should not be ignored.

Respectfully submitted:

May 1, 2015



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CERTIFICATE OF SERVICE

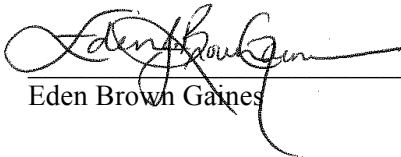
I do hereby certify that a copy of the foregoing Petition for Review was served via electronic mail this 1st day of May, 2015 to the following:

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